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FROM: DCI/CIA Office/Desk: _____ Phone: _____SUBJECT: Peru Incident

DELIVERY INSTRUCTIONS:

Pages: 4

(Including Cover)

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22 April 2001

The Peruvian Air Bridge Denial Program and the 20 April Incident

Authorities

Congress passed a law in 1994 (in the National Defense Authorization Act for FY 1995) which allows USG employees to assist foreign nations in the interdiction of aircraft when there is "reasonable suspicion" that the aircraft is primarily engaged in illicit drug trafficking. The 1994 law provides that this can be done if (1) the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and (2) the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country "has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft. President Clinton issued the requisite "determination" regarding Peru on December 8, 1994.

Program History

Since March 1995, the Peruvians shot, forced down, or strafed more than thirty narco aircraft and seized more than a dozen on the ground. Since July 2000 there have been three endgames --a shootdown in July 17, 2000 and forcedowns on Dec 18, 2000 and Jan 21, 2001. There are no known previous incidents where non-drug traffickers were harmed in any way as part of this program.

Procedures

Clear rules on engagement were established at the onset of the program. Tipper information comes from a variety of sources including DoD, DEA, the Peruvian military and elsewhere. In some cases, U.S. aircraft detect suspect flights while on patrol. The U.S. crew's only mission in the intercept process is detecting and tracking suspect aircraft. Once the Peruvian Air Force (PAF) decides to launch interceptor aircraft, the mission is under the control of the PAF. During a typical mission an aircraft is manned by a US pilot, copilot and systems operator and a host country rider (HCR). The HCR, a Peruvian Air Force officer, serves as the relay between the Peruvian command center and the Peruvian interceptor aircraft. He is under the direct command and control of the local PAF commander. The U.S. crew is not in the chain of command for decisions regarding how intercepts are ended.

A process of mutually agreed upon procedures is followed when interdicting suspect aircraft. First, U.S. and/or PAF detection and monitoring systems locate and track any aircraft--based on tipper information or visual observation-- passing through the specially designated Air Defense Identification Zone (ADIZ) airspace.

Next, the PAF will attempt to identify an aircraft as a legitimate flight. This will include determining whether the aircraft is on a previously filed flight plan and by attempting to

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establish radio communication with the aircraft. When control centers (ground and/or air radars) detect an overflight of any aircraft, they will attempt to identify it through correlation of flight plans and by electronic means -- through use of IFF or radio communications.

Following the detection of an unidentified aircraft, a three-phased intercept is initiated. The specific phases of the military operation are carefully established in an effort to minimize casualties.

Phase one: if the PAF determines that an aircraft flying in the ADIZ is not on a previously approved flight plan, and if it is not possible to establish communication and confirm the aircraft's identification as an innocent aircraft, the Commanding General of the Peruvian Air Force Sixth Territorial Air Region (VI RAT) may direct the launch of Peruvian interceptor aircraft to visually identify the aircraft, verify its registry, attempt to establish radio contact, and, if necessary, cause the aircraft to proceed to a safe and adequate air strip where the PAF will require the aircraft to land -- using intercept procedures consistent with International Civil Aviation Organization guidelines.

If radio communication is established during the intercept, but the PAF is not satisfied that the aircraft is on a legitimate mission, the PAF may direct the aircraft to land at a safe and adequate air strip. If radio contact is not possible, the PAF pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection.

Phase two: if the aircraft continues to ignore the internationally recognized instructions to land, the PAF pilot -- only after gaining permission of the Commanding General of the VI RAT or in his absence the Chief of Staff -- may fire warning shots in accordance with specified PAF procedures.

Phase three: if the warning shots are ignored, and only after gaining permission of the Commanding General of the VI RAT or in his absence the Chief of Staff, the PAF pilot may use weapons against the suspect aircraft with the goal of disabling it. Finally, if such fire does not cause the intercepted pilot to obey PAF instructions, the Commander VI RAT may order the intercepted aircraft shot down.

The PAF and US tracker aircraft engage in extensive training and practice of established interception procedures. After an incident in August 1997 in which a PAF pilot failed to follow such procedures, the PAF committed to having its ground schools conduct a bi-weekly mandatory review. All PAF personnel involved with the program sign a statement acknowledging full understanding of procedures.

20 April Incident

The following is based on information available as of 1300 hours 22 April. Times are approximate. This account is based upon observations of the highly experienced U.S. crew and an initial analysis of available information.

At 09:43 am local time on April 20, 2001, a U.S. operated aircraft notified its base of the radar sighting of an aircraft that crossed 3-4 miles into Brazilian territory. A second

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sighting was called in 12 minutes later, as the unidentified aircraft re-entered Peruvian air space. Per standard procedures, the crew requested the PAF Officer in Charge (OIC) in Pucallpa to determine if the aircraft was on an approved flight plan. The PAF OIC was unable to locate a flight plan for an aircraft in that area.

As the unidentified aircraft was in the ADIZ, apparently without a flight plan, the PAF decided to launch an interceptor to determine the aircraft's identity and intentions. The tracked aircraft was identified as a single engine high wing float plane. The Peruvian officer flying aboard the U.S. aircraft attempted to communicate in Spanish with the suspect aircraft on three separate frequencies, but heard no response. The Peruvian officer aboard the U.S. aircraft then told the Peruvian A-37 aircraft to move to "phase two" and then quickly requested permission to move to "phase three." It is unclear whether warning shots were fired and, if they were fired, whether the pilot or passengers of the suspect aircraft saw them.

Our information shows that the US crew attempted repeatedly to slow down the intercept process and when the Peruvian HCR told the Peruvian A-37 pilot to move to "phase three," the U.S. crew voiced objections. The US crew asked that the Peruvian A-37 pilot acquire the aircraft's tail number and attempt visual recognition by flying along side the aircraft. The tail number, while obtained, apparently was not called back to the PAF OIC by the HCR for verification. At approximately 10:43 AM, despite serious concerns raised by the US crew, shutdown was authorized by PAF authorities. Initial assessment of this incident indicates that well established procedures in conducting air interdiction operations may not have been fully or properly adhered to by some PAF personnel involved in this matter. Although the U.S. crew was not in the Peruvian military chain of command and had no authority or operational control over the HCR, they repeatedly expressed their concern that the nature of the suspect aircraft had not been determined.

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